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DATE FILED: 6/24/08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HILDA KREUZER,

Plaintiff

Docket No.:

08-CV-02046 (H3)

- against -

STIPULATION

THE STOP & SHOP SUPERMARKET COMPANY LLC,

Defendant

IT IS HEREBY STIPULATE AND AGREED, by and between the undersigned, the attorneys of record for all parties to this action, pursuant to Rules 19, 20 and 21 of the Federal Rules of Civil Procedure to join as direct party defendants, ADC INDUSTRIES INC. and AIRLOCK DOOR CONTROLS in this action for the foregoing reasons: ADC INDUSTRIES INC. and AIRLOCK DOOR CONTROLS were retained by THE STOP & SHOP SUPERMARKET COMPANY LLC to install and repair the automatic door system at the subject Stop & Shop store. Moreover, ADC INDUSTRIES INC. and AIRLOCK DOOR CONTROLS did perform repairs on the subject automatic doors in 2006 and prior to the happening of plaintiff's accident. As such, ADC INDUSTRIES INC. and AIRLOCK DOOR CONTROLS are obligated to the Plaintiff directly, and to the Defendant, THE STOP & SHOP SUPERMARKET COMPANY LLC, for contribution and/or indemnification, and;

IT IS HEREBY FURTHER STIPULATED AND AGREED, that the present action be remanded back to the Supreme Court of the State of New York, Bronx County bearing Index Number 300933/08, on the grounds that the joinder of ADC INDUSTRIES INC. and AIRLOCK DOOR CONTROLS as necessary parties defeats Federal Diversity Requirements

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pursuant to 28 U.S.C. §1332, and;

IT IS HEREBY FURTHER STIPULATED AND AGREED, that pursuant to the New York Civil Practice Law and Rules, Plaintiff will file and to serve upon all Defendants a supplemental summons and amended complaint, and that Defendant, THE STOP & SHOP SUPERMARKET COMPANY LLC, will file and serve upon joined defendants, ADC INDUSTRIES INC. and AIRLOCK DOOR CONTROLS, cross-claims for contribution and/or indemnification

Dated: Forest Hills, New York
May 16, 2008

AHMUTY DEMERS & MCMANUS

by: 

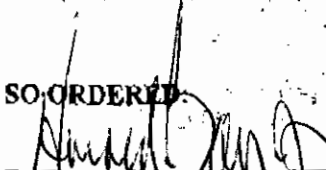
ERIN D. ROACH, ESQ.
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THE STOP & SHOP
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NEWMAN, ANZALONE &
ASSOCIATES, LLP

by: 

MORRIS J. NEWMAN, ESQ.
Attorney for Plaintiff
HILDA KREUZER
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(718) 896-2700

SO ORDERED


Harold Baer, Jr., U.S.D.J.

Date:  32, 08

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